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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SIMO HYYTIA, TIMO ELORANTA, OLLI PULKKINEN, MARKKU VIMPARI, and KIRSI ROTSTEN

Appeal 2015-006794
Application 10/732,540
Technology Center 2400

Before JEFFREY S. SMITH, JOHN A. EVANS, and DAVID J. CUTITTA II, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the rejection of claims 30–53, which are all the claims remaining in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Illustrative Claim

30. A method comprising:

registering at least one user equipment at a service provider;

receiving, at the service provider from the at least one user equipment, information about media capabilities before a data session with the at least one user equipment is requested;

storing the received information about the media capabilities;

receiving, at the service provider, a request for the data session with the at least one user equipment; and

using the stored information when setting up the requested data session, wherein the information about the media capabilities comprises information associated with available communication ports and codec capabilities, and wherein receiving the information about the media capabilities comprises receiving at least one session initiation protocol invite message from the at least one user equipment.

Prior Art

Hsu	US 2004/0008632 A1	Jan. 15, 2004
Denman	US 7,801,953 B1	Sept. 21, 2010
Hurtta	WO 01/69950 A1	Sept. 20, 2001

Examiner's Rejections

Claims 30–53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Denman and Hsu.

Claims 30–53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hurtta, Denman, and Hsu.

ANALYSIS

Claim 30 recites "receiving, at the service provider from the at least one user equipment, information about media capabilities before a data session with the at least one user equipment is requested." Appellants' Specification discloses that in conventional session establishment procedures, media capabilities of a user equipment are negotiated during the session set-up procedure. Spec. 4:24–25. However, due to the nature of the set-up procedure, media capability negotiations may take longer than a user is willing to wait. *See* Spec. 5:1–18.

Appellants' Specification discloses a solution of communicating information about media capabilities with an application server before a request for a data session is sent to the application server. Spec. 5:20–25, 6:11–15. The information about media capabilities is stored. Spec. 5:20–25. When a request for a data session is sent, the stored information is used when setting up the requested data session. *Id.* Appellants' Specification discloses that receiving and storing information about media capabilities before a data session is requested decreases the time required for setting up a connection with appropriate media capabilities, avoids unnecessary repetition of session requests, saves resources, and improves usability of time critical services. *See* Spec. 6:16–22.

The Examiner finds Denman teaches a server that queries for media capabilities during a set-up phase, before the data session is established. Ans. 3. However, claim 1 recites "receiving, at the service provider from the at least one user equipment, information about media capabilities *before a data session with the at least one user equipment is requested*." Even accepting the Examiner's finding that the query occurs before the data session *is established*, the Examiner has not shown that the query of Denman occurs before the data session *is requested* as recited in claim 1. Rather, the Examiner's finding reflects the prior art disclosed by Appellants on page 4 of the Specification, which is, in conventional session establishment procedures, media capabilities of a user equipment are negotiated *during the session set-up procedure*. Spec. 4:24–25. This results in the problem of media capability negotiations taking longer than a user is willing to wait. *See* Spec. 5:1–18.

The Examiner finds Paragraph 85 of Hsu teaches an SIP invite can contain information about media capabilities. Ans. 4. However, even accepting the Examiner's findings as correct, the Examiner has not shown that the SIP invite containing information about media capabilities discussed in Paragraph 85 of Hsu is received *before a data session is requested*. Thus, Hsu does not make up for the deficiency of Denman.

The Examiner finds Hurtta teaches exchanging capability information in advance, using an SIP, during the H.323 set up. Ans. 6. However, even accepting the Examiner's findings as correct, the Examiner has not shown that the SIP containing information about media capabilities is received *before a data session is requested*. Hurtta also does not make up for the deficiency of Denman.

Each of the references cited by the Examiner, at best, teaches exchanging media capabilities during a session set-up procedure, which is the prior art problem discussed by Appellants in the background section of the Specification. Even if the references were combined, the Examiner has not shown that the combination teaches "receiving, at the service provider from the at least one user equipment, information about media capabilities *before a data session with the at least one user equipment is requested*" as recited in claim 1.

We do not sustain the Examiner's rejections of claims 30–53 under 35 U.S.C. § 103.

DECISION

The rejections of claims 30–53 are reversed.

REVERSED